



BEAVER COUNTY COMMISSION

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April 2, 2014

Neil Kornze and Steve Ellis
1849 C Street NW, Rm. 5665
Washington DC 20240

Amy Leuders
1340 Financial Blvd.
Reno, NV 89502

Mr. Neil Kornze, Mr. Steve Ellis and Mrs. Amy Lueders

The decision of the BLM in Clark County Nevada to force trespass on private citizens has triggered our interest in Beaver County, Utah. The effects of such action reach beyond Nevada and into every County in the western United States where there is public land with scarce rangeland resources.

The decision of the BLM to allocate funding approaching or surpassing \$2 million dollars to gather private cattle owned in Clark County Nevada while the agency refuses to respond to the requests by Beaver County to abide by Federal laws and policies (see below) is unacceptable. Why are you able to allocate money to deal with non-compliance as in the case with Mr. Cliven Bundy but no funds to keep yourself in compliance? Such action is indicative of the BLM's priorities and management views. Let it be understood our ongoing and recent request (see attached) for management of feral horses has been repeatedly denied and/or ignored with the explanation of budget constraints. The actions and allocation of funds in Clark County Nevada prove otherwise.

As stated in previous communication, we charge you to fulfill your responsibility to address the concerns found herein. It is advisable to immediately transition your priority within the agency from one of confiscating private property in the name of trespass in Clark County Nevada to one of management of feral horses destroying the range across the western United States specifically in western Beaver County, Utah. You are charged to reduce the numbers of wild horses to Appropriate Management Levels (AML's) established by the BLM(see quick fact sheet attached).

Allocating resources to gather privately owned cattle in the name of trespass when the resulting inaction in Beaver County adversely poses an imminent threat, especially given drought conditions as of

April 1, 2014 to the fragile habitat to sustain ecosystems, wildlife, and other livestock. Inaction and no-management practices pose an imminent threat to ranchers who are being pushed to reduce their allotments by 50% thereby damaging the value of their private rights. The overpopulation of the feral horses is destroying the rangelands. Not only does the habitat destruction resulting from this overpopulation affect livestock, it has broad collateral damage threatening the well being of the wild horses the agency is charged to manage.

Pursuant to Section 1333 of the Wild free roaming Horse and Burro act of 1971 wherein the secretary of the Interior shall, if "an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, ***he shall immediately remove excess animals from the range so as to achieve appropriate management levels.***" We hereby put all applicable parties on notice of the foregoing imminent threat affecting citizens of Beaver County and our intention to address the issue as described if an immediate response with an acceptable plan to address these threats is not received by the County from BLM within the prescribed time constraints as referenced herein.

Beaver County's plan of action is as follows. On behalf of the good people of Beaver County, Utah you are officially put on notice that **at the moment** any action in Clark County Nevada is taken to gather and confiscate private cattle without managing your own responsibility of feral horses in west Beaver County to appropriate management levels, we will work with the Beaver County Sheriff, deputies and other authorized agents to take necessary means to reduce numbers of feral horses for the protection of the health, safety and welfare of citizens of Beaver County as well as the habitat on the western range within the county. Such action is not a threat, but rather a plan of action to protect the health, safety, and welfare of our citizens.

Despite pleas and requests from Beaver County and other affected counties across the western United States it is apparent the BLM has its own agenda regarding public lands which is inconsistent with the charge to protect the interests and grazing rights of the people rightfully utilizing the resources of the public land. Likewise the lack of protecting the rangelands for the multiple-use sustainable yield objectives as are defined by its own mission, compounds the concern.

The BLM is hereby charged to bring the wild horse population in Beaver County into compliance with AML's established for the preservation of the range for the multiple use, sustainable yield objectives of the BLM and plans of Beaver County as well as the protection of those grazing rights of Beaver County Citizens that have been threatened due to no management practices and policies.

To dismiss our requests to manage these animals and to interfere with US citizens historic rights to graze in Nevada comes at great alarm to Beaver County. Such actions are in direct conflict with our requests to gather and manage the feral horses to previously determined appropriate management levels. All explanation for denial has been because of budget constraints. Obviously funds are only a constraint when they do not align with the BLM's priorities.

As BLM spokesman Kirsten Cannon said, "Now we've reached the last resort". In our estimation we have reached a point of "last resort" and we intend to see the reduction of the herds to at minimum the agencies own AML's.

Actions to transport livestock through the State of Utah and particularly Beaver County may be in violation of Utah Code 4-24-26, 76-06-404, and 76-06-408.

Pursuant to Utah Code **11-51-102-103** the Chief Executive Officer as Chairman of the governing body of Beaver County acting on behalf of the Beaver County board of commissioners along with the Beaver County Sheriff expects a response to this letter by 12:00 pm April 9, 2014 with a description of your plans to bring the numbers of wild horse and burros into compliance with the suggested AML's in Beaver County in a manner and time acceptable to mitigate the threats and adverse conditions and affects within Beaver County . If the agency's decision to expend further resources to gather private US citizens cattle takes precedent in lieu of our requests, it will be understood that your de facto response to Beaver County is one of non-priority and that you have no intent to deal with the adverse threat in Beaver County in a timely manner.

Sincerely,



Michael F. Dalton, Chairman, Beaver County Commission



Cameron Noel, Beaver County Sheriff

CC: Juan Palma Utah Director BLM, Sally Jewell US Secretary of the Interior, Randy Trujillo and Elizabeth Burghard Cedar City BLM field office, Honorable Governor Gary Herbert, Honorable Attorney General Sean Reyes, Honorable Rep. Chris Stewart, Honorable Rep. Rob Bishop, Honorable Rep. Jason Chaffetz, Honorable Rep. Jim Matheson, Honorable Senator Mike Lee, Honorable Senator Orrin Hatch.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Color Country District Office

176 East DL Sargent Drive

Cedar City, UT 84721

Telephone (435) 865-3000

www.blm.gov/ut/st/en/fo/cedar_city.html



In Reply Refer To:
4700
UTC000

January 29, 2014

Beaver County Commission
105 East Center
Beaver, UT 84713

RE: Response to January 3, 2014 letter regarding wild horses and livestock grazing.

Dear Commissioners:

Thank you for your letter inquiring about the wild horse populations in the areas managed by the Cedar City Field Office (CCFO). We share your concern regarding sustainability, impacts, and potential conflicts with livestock grazing and wildlife use. As you are aware, permittees have received letters informing them of the current situation, and the potential lack of forage in an effort to communicate early on a situation that may impact their operations. In an attempt to maintain healthy rangeland conditions in the coming years, we are in a position in which we must consider adjustments. Currently we have no opportunities to adjust horse numbers back to their appropriate management levels within the herd management areas (HMAs) in the Cedar City Field Office.

Nationwide, as well as locally, the BLM is facing tremendous challenges with the increasing horse populations, and decreasing funding for gathers and holding. At this time funding and holding space are limited, and no wild horse gathers are approved for the 2014 fiscal year in Utah, nor other areas within the BLM. While wild horse management policies have not changed, we have no means to maintain numbers at appropriate management levels (AML). We are hopeful that this changes soon; however, in the short-term there may be declines in Rangeland Health if management remains status quo.

A National Wild Horse and Burro Team is actively working on strategies and management alternatives to provide adequate funding and holding space to manage wild horses to reach and maintain numbers within AML. The Washington Office is aware of the situation on the ground, and is pursuing solutions to this issue. They are actively meeting on a frequent basis to discuss the current situation, management challenges, and potential solutions. I am hopeful that after these meetings, solutions will come forth and we will have additional options to discuss. Once we have direction, then I propose we meet you and livestock permittees to review options for moving forward.

In the meantime I look forward to continuing our collaborative work and partnership on this and other public land issues.

Sincerely,

A handwritten signature in blue ink that reads "Randy M. Trujillo". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Randy M. Trujillo
Acting District Manager,
Color Country District

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Wild Horse and Burro Quick Facts

Contact: Tom Gorey, BLM Public Affairs (202-912-7420)

Updated as of February 25, 2014

Wild Horse and Burro Population

The Bureau of Land Management estimates that 40,605 wild horses and burros (about 33,780 horses and 6,825 burros) are roaming on BLM-managed rangelands in 10 Western states, based on the latest data available, compiled as of February 28, 2013. Wild horses and burros have virtually no natural predators and their herd sizes can double about every four years. As a result, the agency must remove thousands of animals from the range each year to control herd sizes.

The estimated current free-roaming population exceeds by nearly 14,000 the number that the BLM has determined can exist in balance with other public rangeland resources and uses. The maximum appropriate management level (AML) is approximately 26,677.

Off the range, as of mid-February 2014, there were 49,246 other wild horses and burros fed and cared for at short-term corrals and long-term pastures. (Specifically, there were 14,643 horses and 1,196 burros in corrals [for a total of 15,839 animals] and 33,407 horses in pastures. The combined figure of 49,246 animals in holding compares to the BLM's total holding capacity of 53,809.) All wild horses and burros in holding, like those roaming Western public rangelands, are protected by the BLM under the 1971 Wild Free-Roaming Horses and Burros Act.

Wild Horse and Burro Acreage

In 1971, when Congress passed the Wild Free-Roaming Horses and Burros Act, these animals were found roaming across 53.8 million acres known as *Herd Areas*, of which 42.4 million acres were under the BLM's jurisdiction. Today the BLM manages wild horses and burros in 179 subsets of these Herd Areas (known as *Herd Management Areas*) that comprise 31.6 million

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U.S. Department of the Interior
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FY 2013 Wild Horse and Burro Herd Populations and Appropriate Management Levels (AMLs) by State

million acres known as *Herd Areas*, of which 42.4 million acres were under the BLM's jurisdiction. Today the BLM manages wild horses and burros in 179 subsets of these Herd Areas (known as *Herd Management Areas*) that comprise 31.6 million acres, of which 26.9 million acres are under BLM management. For the answer to the question "What happened to the 'missing' 22.2 million acres on which wild horses and burros were found roaming?" see below. Also, it should be noted that under the 1971 Act, horses and burros may not be re-located to other public lands where they were not found roaming when the law was passed.

Wild Horse and Burro Budget

Congress appropriated \$71.8 million to the Wild Horse and Burro Program in Fiscal Year 2013, which ended September 30, 2013. Of the enacted appropriations (\$71.8 million), holding costs accounted for \$46.2 million (64 percent). Of that year's expenditures (\$76.1 million), gathers and removals cost \$4.8 million (6 percent), and adoption events cost \$7.5 million (10 percent). (The \$4.3 million difference between appropriations and expenditures is the result of the use of "carryover" and prior-year, contract-related funding.)

Removing Wild Horses and Burros from the Range and Placing Animals in Adoption

To help ensure that herd sizes are in balance with other public rangeland resources and uses, the BLM removed 4,176 (4,064 horses and 112 burros) from the range in Fiscal Year 2013, which ended September 30, 2013. (This figure compares to 8,255 animals removed from the range in FY 2012.) The Bureau placed 2,671 removed animals into private care through adoption in FY 2013 -- less than half as many as a decade ago (5,701 were adopted out in FY 2005). Since 1971, when Congress passed the Wild Free-Roaming Horses and Burros Act, the BLM has adopted out more than 230,000 horses and burros. For more information about adoptions, please visit <http://www.blm.gov> to adopt and the national adoption schedule.

Population Growth-Suppression Treatments

In Fiscal Year 2013, the BLM applied 509 fertility-control treatments to mares, 310 with PZP-22 and 199 with PZP (porcine zona pellicula, now known as ZonaStat H).

In FY 2012, the BLM applied 1,051 PZP fertility-control treatments to mares and released 180 more stallions than mares back into herds during gather operations, for a grand total of 1,195 population growth-suppression treatments in FY 2012.

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With regard to a call by advocacy groups for a moratorium on all BLM gathers of herds, this is untenable given the fact that herds grow at an average rate of 20 percent a year and can double in size every four years.*

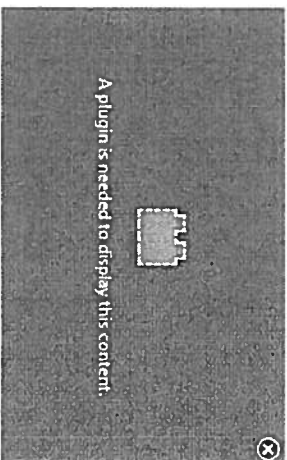
* Eberhardt, L. L., Majorowicz, A. K. & Wilcox, J. A. (1982). Apparent Rates of Increase for Two Feral Horse Herds. *The Journal of Wildlife Management*, 46(2), 367-374.

FY 2013 Wild Horse and Burro Herd Populations and Appropriate Management Levels (AMLs) by State

State	Horses	Burros	Total	Max. AML
AZ	538	3,588	4,126	1,676
CA	3,241	1,506	4,747	2,184
CO	1,040	0	1,040	612
ID	554	0	554	617
MT	145	0	145	120
NV	18,764	1,431	20,195	12,789
NM	120	0	120	83
OR	2,674	50	2,724	2,715
UT	3,245	250	3,495	1,956
WY	3,459	0	3,459	3,725
Total	33,780	6,825	40,605	26,677

Download current
Horse and Burro

Video Clip: Below is a two-minute video from June 2012 of the BLM's second annual tour of a pasture holding facility in El Dorado, Kansas. To view a larger version of this video, select this link.



Social Media



CORRECTION: L. L. MAGUIRE, A. R. & WILSON, J. A. (1992). Apparent Rates of Increase for Two Feral Horse Herds. *The Journal of Wildlife Management*, 56(2), 367-374.

Garrott, Robert A., Smith, Donald B. & Eberhardt, L. Lee. (1991). Growth Rates of Feral Horse Populations. *The Journal of Wildlife Management*, 55(4), 641-648.

Garrott, Robert A. & Taylor, Lynne. (1990). Dynamics of a Feral Horse Population in Montana. *The Journal of Wildlife Management*, 54(4), 603-612.

The ecosystems of public rangelands are not able to withstand the impacts from overpopulated herds, which include soil erosion, sedimentation of streams, and damage to wildlife habitat. As for the 1971 Wild Free-Roaming Horses and Burros Act, Section 1333 of that law mandates that once the Interior Secretary determines...on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels."

Sale Authority

About 8,400 wild horses and burros immediately became eligible for sale under the December 2004 sale authority law (the so-called "Burns Amendment"), which directs the BLM to sell "without limitation" to any willing buyers animals that are either more than 10 years old or have been passed over for adoption at least three times. Since 2005, the Bureau has sold more than 5,500 horses and burros. It has been and remains the policy of the BLM, despite the unrestricted sales authority of the Burns Amendment, not to sell or send any wild horses or burros to slaughterhouses or to "kill buyers."

The proceeds from the sale of the eligible animals are used for the BLM's wild horse and burro adoption program, as directed by Congress under the sale-authority law.

BLM's Legal Mandates

The BLM manages the nation's public lands for multiple uses, in accordance with the 1976 Federal Land Policy and Management Act. The Bureau manages wild horses and burros as part of this multiple-use mandate.

The BLM manages, protects, and controls wild horses and burros under the authority of the 1971 Wild Free-Roaming Horses and Burros Act (as amended by Congress in 1976, 1978, 1996, and 2004). This law authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of the public lands.

Law Enforcement

In enforcing the 1971 Act, the BLM continues to work with law-enforcement authorities in the investigation and prosecution of those who violate this landmark law. The text of the law can be accessed [here](#).